

CARLYON CICA CHTD.
 265 E. Warm Springs Road, Suite 107
 Las Vegas, NV 89119

CARLYON CICA CHTD.
 CANDACE C. CARLYON, ESQ.
 Nevada Bar No. 2666
 DAWN M. CICA, ESQ.
 Nevada Bar No. 4565
 TALI J. FREY, ESQ.
 Nevada Bar No. 16537
 265 E. Warm Springs Road, Suite 107
 Las Vegas, NV 89119
 Phone: (702) 685-4444
 Email: ccarlyon@carlyoncica.com
dcica@carlyoncica.com
tfrey@carlyoncica.com
Counsel for Christopher McAlary

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

CHRIS MCALARY

Appellant(s)

vs.

CASH CLOUD INC; & OFFICIAL
 COMMITTEE OF UNSECURED
 CREDITORS

Appellee(s)

Case No.: 2:23-cv-01424-GMN
 Appeals Reference No.: 23-19

(Consolidated With)

Case No.: 2:23-cv-01427-GMN
 Appeals Reference No.: 23-20

BK Case No.: 23-10423-mkn
 Chapter: 11

CHRIS MCALARY

Appellant(s)

vs.

CASH CLOUD INC; & OFFICIAL
 COMMITTEE OF UNSECURED
 CREDITORS

Appellee(s)

**STIPULATED ORDER CONTINUING
 STAY OF APPEAL**

Upon the joint request of Appellant, Chris McAlary ("McAlary" or "Appellant"), by and through his counsel, the law firm of Carlyon Cica, Chtd.; and Appellees, Cash Cloud Inc. ("Debtor") and the Official Committee of Unsecured Creditors of Cash Cloud, Inc. dba Coin Cloud (the "Committee" and, collectively with McAlary and Debtor, the "Parties"), by and through their

1 respective undersigned counsel;

2 WHEREAS, on August 24, 2023, the Bankruptcy Court entered its Order on Objection to
3 Debtor's First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023¹ (the
4 "Memorandum Decision") [ECF No. 1120];

5 WHEREAS, on August 24, 2023, the Bankruptcy Court entered its Order: (A) Approving
6 Debtor's Disclosure Statement [ECF No. 529] on a Final Basis; and (B) Confirming Debtor's First
7 Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 [ECF No. 996] (the
8 "Confirmation Order") [ECF No. 1126];

9 WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Memorandum
10 Decision [ECF No. 1171];

11 WHEREAS, on September 6, 2023, McAlary filed his Notice of Appeal of the Confirmation
12 Order [ECF No. 1172];

13 WHEREAS, on September 11, 2023, the Notice of Appeal of the Memorandum Decision
14 was docketed with United States District Court Case No. 23-01427-GMN;

15 WHEREAS, on September 12, 2023, the Notice of Appeal of the Confirmation Order was
16 docketed with United States District Court ("USDC") regarding Case No. 23-01424-GMN;

17 WHEREAS, this Court consolidated Appeal No 23-19/USDC Case No. 2:23-cv-01424-
18 GMN with Appeal No. 23-20/USDC Case No. 2:23-cv-01427-GMN (the "Confirmation Appeal");

19 WHEREAS, McAlary filed his Opening Brief on November 6, 2023 [ECF Nos. 12-22 in
20 Confirmation Appeal];

21 WHEREAS, Debtor filed its Answering Brief on November 20, 2023 [ECF Nos. 27, 28 in
22 Confirmation Appeal], and the Committee filed its Joinder to the Answering Brief on November
23 20, 2023 [ECF No. 29 in Confirmation Appeal];

24 WHEREAS, McAlary's Reply Brief was due on or before December 4, 2023;

25 WHEREAS, on November 28, 2023, the Parties stipulated in the underlying bankruptcy case
26 (Case No. BK-S-23-10423-MKN) to attend a settlement conference and to request that this Court

27 _____
28 ¹ All references to "ECF No." are to the numbers assigned to the documents filed in the
bankruptcy case as they appear on the docket maintained by the clerk of the court.

1 stay the consolidated appeal of the Memorandum Decision and Confirmation Order until further
2 notice (the “Stipulation”) [ECF Nos. 1512, 1515];

3 WHEREAS, the United States Bankruptcy Court, District of Nevada (the “NVBC”) granted
4 the Parties’ Stipulation;

5 WHEREAS, on November 29, 2023, the Parties stipulated in the Confirmation Appeal (Case
6 No. 2:23-cv-01424-GMN) to stay the Confirmation Appeal “pending further order of this Court,
7 and that all deadlines be vacated” (the “Stipulation to Stay”) [ECF No. 30 in the Confirmation
8 Appeal]. Additionally, the Parties stipulated “that the Parties shall file a status report with this Court
9 within thirty (30) days following the conclusion of their settlement conference.” *Id.*;

10 WHEREAS, on November 30, 2023, the Court ordered Appeal No 23-19/USDC Case No.
11 2:23-cv-01424-GMN STAYED pending further order of the Court, and that all pending deadlines
12 be vacated [ECF No. 31 in the Confirmation Appeal];

13 WHEREAS, on March 11, 2024, the Parties filed their joint status report and requested the
14 Court “continue to stay the appeals through April 30, 2024, with an additional status report to be
15 filed by April 15, 2024” [ECF No. 10 in the Conversion Appeal]; and

16 WHEREAS, the Parties are continuing to engage in settlement negotiations.

17 **NOW, THEREFORE, IT IS HEREBY ORDERED** that the stay will continue in effect
18 pending further order of the Court;

19 **IT IS FURTHER HEREBY ORDERED** that, on stipulation of the Parties, or on motion
20 of any Party, the Court may order that the briefing schedule be reinstated.

21 **IT IS FURTHER HEREBY ORDERED** that the Parties will file joint status reports on
22 the 15th of each month until the stay is lifted.

23 **CARLYON CICA CHTD.**

FOX ROTHSCHILD LLP

24 By: /s/ Tali J. Frey, Esq.
25 CANDACE C. CARLYON, ESQ.
26 Nevada Bar No. 2666
27 DAWN M. CICA, ESQ.
28 Nevada Bar No. 4565
TALI J. FREY, ESQ.
Nevada Bar No. 16537
Counsel for Christopher McAlary

By: /s/ Brett A. Axelrod, Esq.
BRETT A. AXELROD, ESQ.
Nevada Bar No. 5859
ZACHARY T. WILLIAMS, ESQ.
Nevada Bar No. 16023
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada 89135
Counsel for Debtor

SEWARD & KISSEL LLP

By: /s/ Catherine LoTempio, Esq.
ROBERT J. GAYDA, ESQ.
CATHERINE V. LOTEMPPIO, ESQ.
LAURA MILLER, ESQ.
(*pro hac vice applications granted*)
One Battery Park Plaza
New York, NY 10004
Counsel for Official Committee
of Unsecured Creditors

&

MCDONALD CARANO LLP
Ryan J. Works, Esq. (NSBN 9224)
Amanda M. Perach, Esq. (NSBN 12399)
MCDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT COURT JUDGE

DATED: April 15, 2024